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## INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

February 26, 2009

Ollice Bates, Jr., M.D., Chair  
State Board of Medicine  
2601 North 3rd Street  
Harrisburg, PA 17110

Re: Regulation #16A-4926 (IRRC #2656)  
State Board of Medicine  
Nurse Midwife Prescriptive Authority

Dear Chairman Bates:

The Independent Regulatory Review Commission approved the subject regulation today. Our order is enclosed and will be available on our website at [www.irc.state.pa.us](http://www.irc.state.pa.us).

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,

  
Arthur Coccodrilli

Chairman

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Enclosure

cc: Honorable Robert M. Tomlinson, Chair, Senate Consumer Protection and Professional  
Licensure Committee  
Honorable Lisa M. Boscola, Chair, Senate Consumer Protection and Professional Licensure  
Committee  
Honorable Michael P. McGeehan, Chair, House Professional Licensure Committee  
Honorable William F. Adolph, Jr., Chair, House Professional Licensure Committee  
Honorable Pedro A. Cortes, Secretary, Department of State

**INDEPENDENT REGULATORY REVIEW COMMISSION  
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held February 26, 2009

Arthur Coccodrilli, Chairman  
George D. Bedwick  
Nancy Sabol Frantz, Esq.  
Karen A. Miller  
John F. Mizner, Esq.

Regulation No. 16A-4926 (#2656)  
State Board of Medicine  
Nurse Midwife Prescriptive Authority

On December 5, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Medicine. This rulemaking amends 49 Pa. Code Chapters 16 and 18. The proposed regulation was published in the December 15, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 6, 2009. On November 17, 2008, the Commission received a request from the State Board of Medicine to toll consideration of this final-form regulation to delete Section 18.2(b) as requested by the House Professional Licensure Committee. The State Board of Medicine then simultaneously tolled and submitted its revisions to the final-form regulation to the Commission on November 17, 2008, and then resubmitted the final regulation again on February 6, 2009, at the conclusion of *sine die* adjournment.

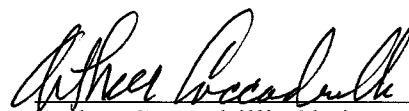
This regulation implements Act 50 of 2007 by establishing prescriptive authority requirements for nurse midwives.

We have determined this regulation is consistent with the statutory authority of the State Board of Medicine (63 P.S. § 422.35) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

**BY ORDER OF THE COMMISSION:**

This regulation is approved.



  
Arthur Coccodrilli, Chairman